

**Application No. 10/524,345**  
**AMENDMENT dated January 6, 2009**  
**Response to the Office Action of October 6, 2008**

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application.

**Listing of Claims:**

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1. (Canceled)
2. (Previously Presented) The compound of claim 17 wherein p is equal to 2.
3. (Canceled)
4. (Previously Presented) The compound of claim 17 wherein q is chosen equal to 1 or 2, the substituent(s) Y being positioned in the ortho position of the benzene ring.
5. (Canceled)
6. (Previously Presented) The compound of claim 19 wherein X<sup>1</sup> is halogen and X<sup>2</sup> is haloalkyl.
7. (Canceled)

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8. (Previously Presented) The compound of claim 20 wherein said compound has the following characteristics, taken individually or in combination:

X' is halogen and X<sup>2</sup> is haloalkyl;

Y' is selected from the group consisting of halogen and haloalkyl.

9. (Previously Presented) The compound of claim 8 wherein the haloalkyl group is trifluoromethyl.

10 - 11. (Canceled)

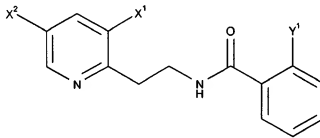
12. (Previously Presented) The process of claim 22 wherein the nucleofugal radical Q is selected from the group consisting of a halogen or and trifluoromethanesulphonate.

13. (Previously Presented) A fungicidal composition comprising an effective amount of a compound according to claim 17 and an agriculturally acceptable support.

14. (Previously Presented) The fungicidal composition of claim 13 further comprising a surfactant.

15. (Previously Presented) The fungicidal composition of claim 13 comprising from 0.05% to 99% by weight of active material.

16. (Currently Amended) A method for preventively or curatively combating the phytopathogenic fungi of plants, wherein said fungi are selected from the group consisting of *Alternaria brassicae*, *Botrytis cinerea*, *Pyrenophora teres*, and *Septoria tritici*, comprising applying an effective and non-phytotoxic amount of a fungicidal composition comprising a compound of the general formula (I'')



(I'')

and an agriculturally acceptable support to:

- (A) the plant seeds,
- (B) the plant leaves,
- (C) the fruits of the plants,
- (D) a combination of (B) and (C), or
- (E) to the soil in which the plants are growing or in which it is desired to grow them;

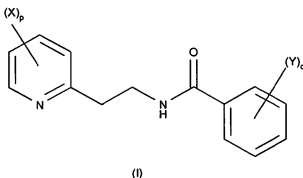
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wherein

X<sup>1</sup> and X<sup>2</sup> are independently selected from the group consisting of halogen, alkyl, and haloalkyl, provided that at least one ~~X~~ of X<sup>1</sup> and X<sup>2</sup> is a haloalkyl; and

Y<sup>1</sup> is selected from the group consisting of halogen, alkyl, alkenyl, alkynyl, haloalkyl, alkoxy, amino, phenoxy, alkylthio, dialkylamino, acyl, cyano, ester, hydroxy, aminoalkyl, benzyl, haloalkoxy, halosulphonyl, halothioalkyl, alkoxyalkenyl, alkylsulphonamide, nitro, alkylsulphonyl, phenylsulphonyl, and benzylsulphonyl.

17. (Previously Presented) A compound of the general formula (I):



wherein

p is an integer equal to 1, 2, 3 or 4;

q is an integer equal to 1, 2, 3, 4 or 5;

each X is independently selected from the group consisting of halogen, alkyl, and haloalkyl, provided that at least one X is a haloalkyl;

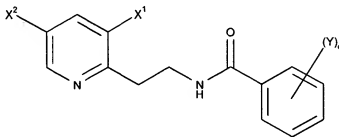
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each Y is independently selected from the group consisting of halogen, alkyl, alkenyl, alkynyl, haloalkyl, alkoxy, amino, phenoxy, alkylthio, dialkylamino, acyl, cyano, ester, hydroxy, aminoalkyl, benzyl, haloalkoxy, halosulphonyl, halothioalkyl, alkoxyalkenyl, alkylsulphonamide, nitro, alkylsulphonyl, phenylsulphonyl, and benzylsulphonyl;

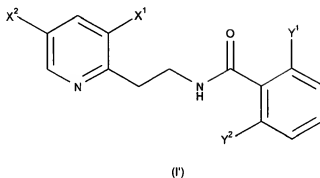
as to the N-oxides of 2-pyridine thereof;

with the exception of N-{2-[3-chloro-5-(trifluoromethyl)-2-pyridinyl]ethyl}-2,6-dichlorobenzamide.

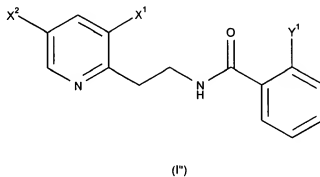
18. (Previously Presented) The compound of claim 2 wherein the substituents X are positioned as follows:



19. (Previously Presented) The compound of claim 4 wherein said compound corresponds to the general formula (I'):

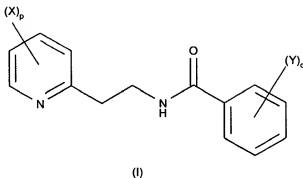


20. (Previously Presented) The compound of claim 4 wherein said compound corresponds to the general formula (I''):



21. (Previously Presented) A compound selected from the group consisting of N-{2-[3-chloro-5-(trifluoromethyl)-2-pyridinyl]ethyl}-2-trifluoromethylbenzamide;  
- {2-[3-chloro-5-(trifluoromethyl)-2-pyridinyl]ethyl} -2-iodobenzamide; and  
- {2-[3-chloro-5-(trifluoromethyl)-2-pyridinyl]ethyl} -2-bromobenzamide.

22. (Currently Amended) A process for the preparation of compounds of general formula (I):



wherein

p is an integer equal to 1, 2, 3 or 4;

q is an integer equal to 1, 2, 3, 4 or 5;

each X is independently selected from the group consisting of halogen, alkyl, and haloalkyl, provided that at least one X is a haloalkyl;

each Y is independently selected from the group consisting of halogen, alkyl, alkenyl, alkynyl, haloalkyl, alkoxy, amino, phenoxy, alkylthio, dialkylamino, acyl, cyano, ester, hydroxy, aminoalkyl, benzyl, haloalkoxy, halosulphonyl, halothioalkyl, alkoxyalkenyl, alkylsulphonamide, nitro, alkylsulphonyl, phenylsulphonyl, and benzylsulphonyl;

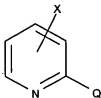
as to the N-oxides of 2-pyridine thereof;

with the exception of N-{2-[3-chloro-5-(trifluoromethyl)-2-pyridinyl]ethyl}-2,6-dichlorobenzamide;

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wherein said process comprises:

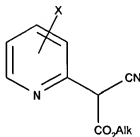
(A) reacting, in the presence of a base in a protic polar solvent, a compound of general formula (Ia)



(Ia)

in order to substitute it selectively in the 2-position:

(1) with  $\text{NC-CH}_2\text{-CO}_2\text{Alk}$  to produce a compound of general formula (Ib)



(Ib)

wherein:

X is as defined above;

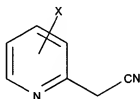
Alk represents an alkyl radical;

Q is a nucleofugal radical;



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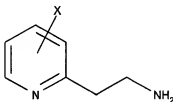
which is caused to undergo dealkyloxycarbonylation in the presence of an alkali metal halide at the reflux of a water/dimethyl sulphoxide mixture to produce a compound of general formula (Ic)



(Ic)

or

- (2) with acetonitrile to produce the compound (Ic) directly;
- (B) reducing compound (Ic) to a pyridylethanamine of general formula (Id)



(Id)

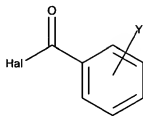
or its corresponding ammonium salt, ~~depending on whether or not the medium is acid~~, under hydrogen pressure in the presence of a metal catalyst in a protic solvent;

- (C) reacting compound (Id) or its corresponding ammonium salt with a benzoyl halide of general formula (Ie)

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(Ie)

wherein Y is as defined above,

in the presence of a base to provide the compound of general formula (I).